

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

Sentencing Minute Sheet for the Honorable Ortrie D. Smith

UNITED STATES OF AMERICA
vs.
VIOREL SIMON

Case No:09-00143-06-CR-W-ODS
Date: 2/28/2011

Plaintiff Counsel

Bill Meiners, AUSA
Time Commenced: 2:35 p.m.

Defendant Counsel

John Gromowsky, CJA
Time Terminated: 3:15 p.m.

X There are unresolved issues regarding the P.S.I. and the Guideline Range to be discussed with the Court: The Court takes these issues Under Advisement until the government has an opportunity to offer support of its position as to restitution; otherwise, the Court adopts the P.S.I. w/o change.

Total Offense Level: 21
Imprisonment Range: 37 to 46 months
Special Assessment: \$100.00
Fine Range: \$7,500 to \$75,000

Criminal History Category: I
Supervised Release Range: 2 to 3 years
Restitution: \$165,126.14

The Defendant is sentenced to Counts 2 and 63.

X Motion is filed by the U.S. Government for Downward Departure.
X The Court grants said motion (doc #462).
X Defense counsel statement. Government statement. Government offers proffer re: restitution. Defendant statement.

INCARCERATION:

X The Court hereby orders the defendant to serve the following term of incarceration with the FBP: **25 months on Counts 2 and 63, terms to run concurrent.**

X Defendant is hereby remanded to the custody of U.S. Marshal.

SUPERVISED RELEASE:

X The Court hereby orders the defendant to the following term of Supervised Release: **3 years on Counts 2 and 63, terms to run concurrent.**

SPECIAL CONDITIONS OF SUPERVISED RELEASE OR PROBATION: See J&C

FINE: Waived.

RESTITUTION: \$ 165,126.14 **Government to file confidential memorandum under seal.

SPECIAL ASSESSMENT: The Court imposes the following Special Assessment: \$200.00

X Upon oral Motion of the U.S. Govt. the following Counts 1, 3 - 62, 64 - 83, 102 and 127 are dismissed.

X The Court advises the Defendant he has 14 days to appeal.